

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF: PETITION FOR RATE INCREASE BY FOURWINDS RESORT AND MARINA)))))	ADMINISTRATIVE CAUSE NUMBER: 11-010P
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**REPORT OF HEARING OFFICER, INCLUDING FINDINGS
AND PROPOSAL TO THE NATURAL RESOURCES COMMISSION**

1. PETITION FOR RATE INCREASE BY FOURWINDS RESORT AND MARINA

Jeffrey G. Hammond, on behalf of Traina Enterprises, Inc. filed a petition on December 30, 2011 with the Division of State Parks and Reservoirs of the Department of Natural Resources (*Department*) and the Natural Resources Commission's Division of Hearings (*Division of Hearings*) seeking a rate increase for Fourwinds Resort and Marina (*Fourwinds*), which it operates on Monroe Lake. Fourwinds' petition is attached as Exhibit A and incorporated by reference. Mr. Hammond provided a statement of justification for the sought rate increase, a spreadsheet reflecting Fourwinds' current rates and proposed increases as well as spreadsheets containing rates charged by two comparable marinas.

2. SCOPE OF REVIEW

Fourwinds' petition is governed by a nonrule policy document approved by the Commission as Information Bulletin #20 (Second Amendment) (*IB #20*) (<http://www.ai.org/nrc/policy/marinara.html>), and published on the INDIANA REGISTER database website as 20091125-IR-312090919NRA. The Commission reflected that the purpose of the information bulletin was to implement an informal process for the review of ratemaking recommendations for resorts and marinas under lease with the Department.

In accordance with IB #20, Fourwinds submitted its request to the Division of Hearings and the Department before January 1 of the year preceding the year in which the proposed rates, if approved, will be implemented. The Division of Hearings notified Fourwinds of the assigned administrative cause number, the identity of the hearing officer and provided the hearing officer's electronic mail address for inclusion in the notice required to be provided by Fourwinds to its slip and buoy renters.

On March 1, 2011, Fourwinds issued notice to slip and buoy renters containing the information required by IB #20, particularly that the Fourwinds patrons were provided the opportunity to offer comments and/or request a public hearing regarding the rate

increase petition. The notice provided specifically that comments and requests for public hearing were required to be received on or before March 15 at the hearing officer's electronic or US Postal Service address and advised that a public hearing would be conducted only if at least 10% of the slip and buoy renters requested a public hearing.

Petitions, requests, documentation, exhibits, and other pertinent materials concerning the proposed rate request were available for the public to review at the lessee's business office, during normal business hours. A copy of this information was also available for the public to review at the Department. In accordance with the existing lease agreements, the Department is to analyze comparable facilities to compare rates with those sought by the lessee. Information used in the analysis is to be available for inspection at the Department in Indianapolis.

Fourwinds issued a total of 657 notifications, with 551 being by electronic mail and 106 by US Mail. Therefore, under IB #20, 64 slip and buoy renters would have been required to request a public hearing. While 10 individuals submitted correspondence relating to Fourwinds' petition only three individuals requested a public hearing. The number of requests being insufficient, a public hearing was not scheduled.

The Commission, through IB #20, has delegated the responsibility of determining the lessee's request to the hearing officer, in consultation with the Department, for requests for rate increase of two percent (2%) or less when no public hearing is required. For sought rate increases over two percent (2%) the hearing officer is required to complete a review of the petition, the public comments, the Department's analysis of the provided comparables and in consultation with the Department prepare a written report to the Commission. In this instance, Fourwinds' petition seeks rate increases of over two percent (2%). Therefore, submission of a report for consideration and ultimate determination by the Commission is required.

The report prepared by the hearing officer is to include written findings with respect to the requested rates and a proposal to the Commission with respect to recommendations to the U. S. Army Corps of Engineers. The hearing officer shall also forward a copy of the report to the lessee, the Department, and any other person who requests a copy. The hearing officer is to present the findings and recommendations to the Commission during a meeting to be held in May or July.

During that meeting, the Commission will either recommend approval of the rates, disapproval of the rates, or approval of rates in an amount less than requested by the lessee. Recommendation for favorable consideration of rates will not be withheld unless, in the opinion of the Commission, the proposed rates exceed fair market rates charged by operators of other similar privately-owned resort developments comparable to the project in the area.

3. WRITTEN COMMENTS

The opportunity for the public to submit written comments extended until March 15, 2011. During this time, three individuals requested a public hearing and six other individuals submitted written comments. As required by IB #20 the requests for public hearing were considered by the hearing officer as comments. The comments received are attached at Exhibit B and incorporated by reference.

4. RECOMMENDATION BY THE DNR DIVISION OF PARKS AND RESERVOIRS

As anticipated in IB #20, Gary Miller (*Miller*), Assistant Director of Inns and Concessions for the Department completed a comparative review of slip rates associated with Fourwinds' petition. At a later time Miller provided a spreadsheet wherein he suggested appropriate approved rates. Miller's analysis and spreadsheet are attached as Exhibit C and incorporated by reference.

Miller noted that Fourwinds' petition for rate increase stated that the rates used as comparables for Jamestown Resort and Marina (*Jamestown*) were for 2010 and would be increasing for the boating season 2011. Miller determined that Jamestown's rates for 2011 were the same as they had been since 2009. With respect to the comparables for Kent's Harbor Marina (*Kent's*), Miller determined that Fourwinds mistakenly believed that the rates approved for Kent's were seasonal rates and had adjusted those seasonal rates to reflect annual rates.¹ Miller reflects that all of Kent's rates are actually annual rates and therefore Fourwinds' adjustments were inappropriate.²

After making "some adjustments for length and season" Miller identified 12 sizes of slips that were worthy of direct comparison between Fourwinds and Jamestown. For seven of the slip sizes, Fourwinds current rates are already higher than the rates at Jamestown but for five slip sizes Fourwinds' rates are lower than Jamestown's rates. Miller determined that Jamestown's rates range from \$21.32 less than Fourwinds' rates to as much as \$17.47 more than Fourwinds' rates. Overall the rates of these two marinas are on parity.

With respect to the comparison of Fourwinds rates to the rates of Kent's, Miller determined that Fourwinds' rates range from \$437.48 less for a 20 foot open seasonal slip to \$1330.24 more for a 60 foot open annual slip.

Ultimately, Miller offered recommendations as to appropriate rates for Fourwinds. Miller noted in making his recommendation that in certain instances the same size slips at Fourwinds have varied rates. His recommendation attempts to eliminate these deviations by actually lowering the rate previously approved by the Commission in some instances and recommending rates higher than those sought by Fourwinds in other instances. Overall, Miller's recommended rate increase was 3.92%.

¹ Fourwinds' petitions explains that the adjustment was done by dividing the believed seasonal rate by seven to establish a monthly rate. The monthly rate was then multiplied by 12 to establish an annual rate.

² See FINDINGS AND RECOMMENDATIONS BY THE NATURAL RESOURCES COMMISSION TO THE US ARMY CORPS OF ENGINEERS dated September 16, 2008. *In the Matter of Petition for Rate Increase by Kent's Harbor Marina, Administrative Cause # 08-078P.*

5. FINDINGS AND PROPOSAL BY THE COMMISSION'S DIVISION OF HEARINGS

A. Findings

The scope of the review accorded by the Commission in Information Bulletin #20 is addressed to petitions for rate establishment or increase at marinas and related facilities on properties owned or leased by the Department. Although the Department may appropriately exercise whatever rights are provided in a ground lease with respect to marina facilities, as well as any other rights provided by law or equity, the scope of review for the purpose of setting rates at marinas and related facilities is determined by IB #20, which specifies that the lessee "shall include justification for the request along with comparable rates from other marinas." Information Bulletin #20 proceeds to specify that "the department will analyze comparable facilities to compare rates with those sought by the lessee."

The Commission's role in the setting of rates at marina facilities on Department leased or owned properties is to offer a recommendation regarding the appropriateness of the rates to the U.S. Army Corps of Engineers. In exercising its responsibility to offer a recommendation to the U.S. Army Corps of Engineers, the Commission has charged the appointed hearing officer with the responsibility to review the record, which includes the lessee's request and any supporting documentation, written comments provided by affected persons and the analysis by the department in preparing a report and proposed recommendation for Commission consideration.

The Commission, through its adoption of IB #20, established as fundamental to a determination of the appropriateness of a proposed rate the consideration of rates charged by comparable marinas. The comparison therefore requires identification of marinas comparable to Fourwinds. In addition to the marina facility, Fourwinds includes a resort hotel that provides a dining room and lounge as well as a swimming pool and tennis courts among other amenities. Fourwinds offered as comparable, the rates at Kent's, which is located on Brookville Reservoir in Liberty, Indiana and Jamestown, which is operated on Lake Cumberland in Jamestown, Kentucky. Miller agreed that the facilities were comparable facilities.

Hammond noted in Fourwinds' petition for rate increase that \$2 million dollars has been expended on a variety of improvements, including the complete replacement of four additional docks, since its last rate increase in 2008. Additional improvements since 2008 include upgrades to parking, which has been a significant issue raised by slip renters in past fee increase proceedings, and the replacement of all old 3-4 foot wide in-water walkways with new 8 foot wide walkways. The Department's analysis concurs that there have been continual improvements at Fourwinds since it was acquired by Traina Enterprises, Inc. in 2001. Miller, on behalf of the Department, stated, "The marina is simply not the same marina as it was in 2001."

Overall, Fourwinds' rates are generally consistent with the rates of comparably sized slips at Kent's and Jamestown. As would be expected, the current rates at Fourwinds are both higher and lower than the current rates of the comparable marinas.

The consistency in rates between Fourwinds and Kent's Harbor Marina is particularly remarkable. It is noted also that Fourwinds' proposed increased rate on its 20 foot slip to \$1,360.00 remains lower than the rate of \$1,595.00 charged currently by Kent's Harbor Marina for the same size slip. This is similarly the situation with respect to the proposed rate of \$4,232.00 for many of Fourwinds' 46 foot slips for which Kent's Harbor Marina currently assesses a rate of \$4,280.00.

However, the rate comparison between Fourwinds and Jamestown actually reveals that in the majority of instances Fourwinds' current rates are already higher than Jamestown's current rates. Although Fourwinds' current rates are not significantly higher than the current rates of Jamestown, the fact that they are consistently higher reflects a need for modesty with respect to rate increases to be granted to Fourwinds.

In conducting the evaluation of the data and comments, the hearing officer sought from Hammond additional information regarding the price differentials relating to a variety of slips of the same size and the status of rates on Docks P1 through P5, that do not appear on Fourwinds' 2008 rate sheet approved by the Commission.³ Hammond explained that the rates of certain same length slips varied because the widths of the slips were different. However, Hammond also acknowledged that in some cases the slips' rates varied despite the fact that the slips were identical. With respect to the slips on Docks P1 through P5, Hammond confirmed that the existing rates were interim rates established by the Department and that Fourwinds was seeking increases above the established interim rates. The inquiry and Hammond's response are attached as Exhibit D and incorporated by reference.

Both Fourwinds and the Department sought to establish "whole dollar" rates, which has been achieved in the attached recommendation by rounding figures to the nearest whole dollar.

The Department also noted that over time and with the replacement of a vast majority of the slips and docks, Fourwinds' now has a situation where the same sized slip on one dock may have a Commission approved rate different from the Commission approved rate of a same sized slip on another dock. The Department has expressed a desire to eliminate this price variation. Hammond's response to the hearing officer's follow-up inquiry reflects a similar desire to eliminate these rate variations. The hearing officer does not believe it is appropriate to subject Fourwinds to a reduction of rates previously approved by the Commission to accomplish this purpose. Likewise, the hearing officer does not believe that subjecting the patrons of Fourwinds to rates in excess of the rate increases proposed by Fourwinds is appropriate. With these restrictions in mind the

³ See FINDINGS AND RECOMMENDATION BY THE NATURAL RESOURCES COMMISSION TO THE US ARMY CORPS OF ENGINEERS, dated September 16, 2008. *In the Matter of Petition for Rate Increase by Fourwinds Resort and Marina, Administrative Cause # 08-079*

hearing officer has attempted to accomplish equality in the rates for same sized slips to all extents possible.

General Rate Increase Determination

In reviewing all the available data that was provided by Fourwinds and the Department as well as considering the written comments submitted by slip renters at Fourwinds, the hearing officer determined that, with some exceptions, Fourwinds should be granted a rate increase as follows:

1. A two percent (2%) rate increase should be granted for any slip rate that is currently more than a rate charged by either Kent's or Jamestown.
2. A four percent (4%) increase should be granted for any rate that is currently less than a rate charged by either Kent's or Jamestown or for which there is no direct comparison possible.

This general rate increase methodology has been applied to all Fourwinds' slips except its 20 foot open seasonal slips, 24 foot open annual slips, 26 foot covered annual slips, 28 foot open annual slips, certain of the 36 foot open annual slips, 42 foot open annual slips on G Dock, 46 foot open annual slips (except six K dock slips close to the gazebo, beach and restaurant and twelve G Dock slips that are 3 feet narrower), and the more expensive 50 foot open annual slips on K dock. These exceptions are discussed in more detail below.

Exceptions

Kent's current rate is higher than Fourwinds' current rate for the 20 foot open seasonal, the 24 foot open annual and the 28 foot open annual slips. Under the general methodology established above, Fourwinds would be granted a 4% rate increase. With respect to these slip sizes a 4% increase would result in a rate that remains significantly below the current rates of Kent's. In fact, the rates proposed by Fourwinds for these slips are either less than or equal to Kent's rates. Therefore, it was determined that the rate proposed by Fourwinds should be approved even though they represent increases in excess of 4%. It is therefore recommended that the 20 foot open seasonal slip be approved a rate of \$1,360.00, the 24 foot open annual slips be granted a rate of \$2,208.00 and the 28 foot open annual slips' rate be established at \$2,576.00.

With respect to the 36 foot slips for which Fourwinds currently charges \$3,357.90 and \$3,565.38, the general methodology would have resulted in a rate increase of 2%. However, a 2% rate increase for these slips would have resulted in rates that exceeded the rates sought by Fourwinds. Therefore, with respect to these slips, the rate of \$3,420.00 and \$3,600.00 as proposed by Fourwinds is recommended for approval. It is important to note that while there is an interest in establishing equal rates for same sized slips, the 36 foot slips at Fourwinds, similar to the 36 foot slips at Kent's are of varying widths, which makes reasonable the rate differentials for these size slips.

Presently there are three rates established for 42 foot open annual slips at Fourwinds. Hammond explained that the 42 foot slips on I dock are newer construction with eight foot walkways and four foot fingers whereas the 42 foot slips on G dock are of an older design with five foot walkways and three foot fingers. Therefore, Fourwinds is desiring to maintain some rate difference between the G dock and I dock 42 foot slips. Despite the fact that the 42 foot slips on G dock are identical they have current approved rates of both \$3,549.00 and \$3,838.38. Fourwinds is seeking a less than 1% increase for the 42 foot slips at the \$3,838.38 rate but an increase of nearly 8% above the \$3,549.00 rate in order to have an equal rate for an equal slip. This more significant rate increase on a one-time basis to achieve equivalency in the rate of \$3,864.00 for 42 foot slips on G Dock is considered appropriate.

According to Hammond there are 46 foot slips throughout Fourwinds. With the exception of 12 slips on G dock that are three feet narrower, the 46 foot slips are all identical as to size and shape. Six of this sized slip are located on K dock near the gazebo, beach and restaurant and have a higher rate because of their desirability and the 12 narrower slips have a lower rate. The remainder of the 46 foot slips a rate of \$4,078.62. With respect to the 46 foot slips with current rates of \$3,794.70 and \$4,078.62 a 4% increase would have been appropriate under the general methodology because Kent's has slips of this size with a rate of \$4,280.00. The rate established for the six more desirable slips on K dock already exceed Kent's rate by nearly \$100.00 and therefore only a 2% increase would be appropriate for these slips under the general methodology. A 4% increase above \$3,794.70 results in a rate for the twelve narrow slips at \$3,946.00. A 2% increase above the current rate for the six more desirable K Dock slips calculates to \$4,461.00. A 4% increase above Fourwinds' current rate of \$4,078.62, which applies to the majority of Fourwinds' 46 foot slips would exceed the rate of \$4,232.00 proposed by Fourwinds and therefore it is determined that the rate of \$4,232.00 as proposed by Fourwinds for these slips should be approved.

A similar situation exists with respect to Fourwinds 26 foot slips. Presently Fourwinds has approved rates for 26 foot open annual slips, 26 foot open seasonal slips, and 26 foot covered seasonal slips. According to Hammond, since the 2008 rate increase, all of the 26 foot slips have been converted to annual slips and the slips on J dock that are reflected as seasonal slips should be listed as annual slips. Consequently, it is appropriate that the 26 foot open annual slips, whether on F dock or J dock should have the same rate whereas the covered annual slips on J dock should appropriately have a higher rate. To achieve this outcome it is recommended that the 26 foot open annual slips be granted a 4% increase to a rate of \$2,277.00 while the 26 foot covered annual slips be granted the rate proposed by Fourwinds of \$2,392.00, which amounts to an approximate 9.25% increase.

The sizes and characteristics of the slips on Docks P1 through P3 are the same as slips on other Docks and the rates recommended for approval are also the same. The slips on Docks P4 & P5 are the only 24 foot covered annual slips at Fourwinds and the rate

recommended for these slips is \$660.00 more than the rate recommended for Fourwinds' 24 foot open annual slips. This differential appears appropriate.

B. Proposal

The Hearing Officer recommends that Fourwinds be granted a rate increase determined as explained herein. The spreadsheet attached as Exhibit E and incorporated by reference reflect the actual whole dollar rates resulting from the calculation methodologies explained herein. These rates are recommended for approval by the Commission.

Dated: June 24, 2011

Sandra L. Jensen
Hearing Officer

Service List:

cc: Gary Miller, DNR, Division of State Parks and Reservoirs
Paul Steele, Fourwinds Resort and Marina
Jeff Hammond, Fourwinds Resort and Marina

EXHIBIT A

Ms. Jensen and Mr. Miller,

In accordance with IB#20 (Third Amendment), I am submitting this request for an increase to our slip rates at our Bloomington property. The Bulletin requires that we include in the petition a request for new rates, along with a justification for the increase and a listing of rates on like slips in comparable marinas. Each of those components is included in this request.

As this is our first rate increase under the amended non-rule policy document, please let me know if there is anything else you need to properly consider the request and I will provide it right away.

Request –

I have attached a listing of rates for review. As opposed to simply requesting a percentage increase, I am submitting actual rates for approval. By doing so, we will eliminate the opportunity for any confusion related to what rate is actually approved (as has happened several years ago) and will also be able to replace “odd” rates (such as \$5,492.76) with whole dollar rates that will greatly simplify the rate sheets we prepare and provide our customers.

Justification –

As you know, we are currently operating under the same rate structure we had in place since April 1, 2008. While that alone may not warrant an increase under this non-rule policy document, we have continued to make improvements to the harbor and believe that our marina is now the very best in the State of Indiana and even into surrounding states.

In fact, we have invested well over \$2-million since our last rate increase. Improvements have included the elimination of the old A, B and C docks (with decades old construction, limited power capacity, un-encapsulated Styrofoam, poor flotation, rusted roofs, etc.) with four brand new docks engineered and built exactly as the others we have replaced and added throughout the marina since we began our dock replacement project in 2002. To date, we have completely replaced 11 covered docks in the marina, as well as a number of uncovered slips. In addition to these replacements, we added extensive infrastructure to the property, including:

- Four new parking lots and re-configuration of two others. In total, we have expanded the parking available to our boaters to more than 250% of the 2002 capacity. Needless to say, this has improved the overall boating experience immeasurably.
- Replacement of all in-water walkways. The old walkways were 3-5 feet wide and in abysmal condition. The new walkways are 8-feet in wide, decked with composite material, lighted and extremely stable and safe.
- Brick pathways have been added throughout the property to eliminate areas that previously flooded during rains and to also provide more accessible paths for our boaters to their docks.

- We added seven bridges to provide access to all slips without the need for a boater to navigate steps with a cart, cooler, or children. Each of these bridges is gated with electronic key access for added security.
- A private beach for our clientele was created along with a pond with waterfalls and a gazebo. All have added to the beauty of the facility.
- The old boat ramp was replaced with a new high-water ramp that is fully accessible. This \$900,000+ project tremendously improved the public's access to Lake Monroe. That change will improve the Fourwinds boating experience by minimizing traffic through the harbor, discouraging day use boaters from pirating slips in the harbor alongside paying boaters and the litter and property theft that comes along with that sort of activity.
- We have added extensive electrical capacity to the marina in all areas. While there are still occasions when our largest houseboats (and their multiple TVs, hot tubs, air conditioners, etc) simply overload their slip's rated capacity, this is now an exception as opposed to the 'every weekend' rule that it once was for ALL docks.
- A floating fuel island with retail store was added to replace the old shed (and defunct ship store) with a modern retail center that includes multiple fueling stations.
- We have also maintained an aggressive trapping effort to remove nuisance animals from the property. Our trapper has captured hundreds of animals over the years and relocated them to the far reaches of the lake to minimize the likelihood of their return to the property.

Comparable Marinas –

We searched for marinas within the 400-mile radius required by IB#20 (Third Amendment) and found 17 in total. As expected, there are huge differences between virtually all of these marinas and there is simply not an "apples-to-apples" comparison. Of the group, the two that are most comparable are Jamestown Marina in Jamestown, Kentucky and Kent's Harbor Marina in Liberty, Indiana. While neither of these is a true head-to-head comparable facility, they are certainly the closest among the 17 we were able to find. Each of these offers a large marina (620 and 388 moorings respectively), boat rental (both smaller than Fourwinds), service department, foodservice (café style), overnight accommodations, etc. Of the other marinas, we were not able to identify any that are comparable in multiple areas.

Though comparable somewhat physically speaking, there are major operational differences. Among the most significant for this purpose is that Kent's Harbor Marina bases its rates on a April – October season, while the vast majority of the rates are Fourwinds on similar-sized slips are for full-year occupancy with ice protection in the winter months. In an attempt to show their rates in as much of an apples-to-apples fashion as possible, I have divided their rate by seven (the number of months in their term) and multiplied it by 12 (the number of months in the Fourwinds rental contract term).

Rates for these two marinas (on same or very similar sized slips) are included in the attached Excel spreadsheet on the tab titled “most comparable.”

It is also important to note the contract year for which the rates at each marina relate:

- Fourwinds rates are those that have been in place since April 2008
- Kent’s Harbor rates are for the April – October 2011 season
- Jamestown rates are for the January – December 2010 season. Their management stated that they will post an increase for 2011, but have not decided what the new rates will be.

In summary, we believe that the rate increase requested is warranted based on our continual improvement of the marina, as well as based on the rates on the same sized slips at comparable marinas. Of course, even upon approval we will continue to evaluate demand for the facility and may well charge rates below those approved if it seems necessary or appropriate.

As I requested earlier, please do let me know if there is anything else that you need in order to properly process this request. It is our first time making a request under the new rules and I do not want to leave something out of the mix that you actually need to process the request. Please also confirm that you do, in fact, have what you need in this request.

Thank you and I look forward to hearing from you soon.

Sincerely,

Jeffrey G. Hammond
Traina Enterprises, Inc.

Fourwinds Resort & Marina Slip Rates - 3/08 through 3/11

Dock	Slip Length	Open or Covered	Seasonal or F/Y	Current Slip Rate	per foot of length	2012-13 Proposed	
						\$	per ft
D	36	O	F	\$3,150.42	\$87.51	\$3,312.00	\$92.00
	36	O	F	\$3,357.90	\$93.28	\$3,420.00	\$95.00
	36	O	F	\$3,565.38	\$99.04	\$3,600.00	\$100.00
	36	O	F	\$3,778.32	\$104.95	\$3,960.00	\$110.00
	46	O	F	\$4,078.62	\$88.67	\$4,232.00	\$92.00
	50	O	F	\$4,275.18	\$85.50	\$4,600.00	\$92.00
E	20	O	S	\$1,157.52	\$57.88	\$1,360.00	\$68.00
	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00
F	24	O	F	\$2,020.20	\$84.18	\$2,208.00	\$92.00

AGENDA ITEM #9

	26	O	F	\$2,189.46	\$84.21	\$2,392.00	\$92.00
	28	O	F	\$2,440.62	\$87.17	\$2,576.00	\$92.00
	32	O	F	\$2,762.76	\$86.34	\$2,944.00	\$92.00
	36	C	F	\$4,707.99	\$130.78	\$4,968.00	\$138.00
G	42	O	F	\$3,549.00	\$84.50	\$3,864.00	\$92.00
	42	O	F	\$3,838.38	\$91.39	\$3,864.00	\$92.00
	46	O	F	\$3,794.70	\$82.49	\$4,232.00	\$92.00
	46	O	F	\$4,078.62	\$88.67	\$4,232.00	\$92.00
	48	C	F	\$6,277.32	\$130.78	\$6,624.00	\$138.00
H	42	C	F	\$5,492.76	\$130.78	\$5,796.00	\$138.00
	54	C	F	\$6,747.30	\$124.95	\$7,128.00	\$132.00
I	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00
	42	O	F	\$4,389.27	\$104.51	\$4,620.00	\$110.00
J	26	O	S	\$2,189.46	\$84.21	\$2,392.00	\$92.00
	26	C	S	\$2,189.46	\$84.21	\$2,392.00	\$92.00
K	46	O	F	\$4,078.62	\$88.67	\$4,232.00	\$92.00
	50	O	F	\$4,275.18	\$85.50	\$4,600.00	\$92.00
	46	O	F	\$4,373.46	\$95.08	\$4,600.00	\$100.00
	50	O	F	\$4,750.20	\$95.00	\$5,000.00	\$100.00
	60	O	F	\$5,700.24	\$95.00	\$6,000.00	\$100.00
	76	O	F	\$7,315.21	\$96.25	\$7,600.00	\$100.00
P1	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00
P2	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00
P3	36	C	F	\$4,707.99	\$130.78	\$4,968.00	\$138.00
P4	24	C	F	\$2,811.90	\$117.16	\$3,000.00	\$125.00
P5	24	C	F	\$2,811.90	\$117.16	\$3,000.00	\$125.00
Super Dock	72	C	F	\$9,415.98	\$130.78	\$9,936.00	\$138.00
	90	C	F	\$11,769.97	\$130.78	\$12,420.00	\$138.00
EZ-Ports		O	S	\$ 682.50	\$ -	\$ 725.00	\$ -

Marina Name: **Kent's Harbor Marina**
 City, State: **Liberty, Indiana**
 Telephone: **765-458-7431**
 Website: **www.kentsharbor.com**
 * last requested: **12.10**

(note: see if yes) **Yes, 18 Condos**
 want (type if yes): **Yes, Café**
 Service Dept: **Yes**
 Rental Info if yes: **Yes, 10 portions**

Cox wet slip: **11**
 Open wet slip: **357**
 beach/dry: **-**
 PWC Mooring: **20**
 Total mooring: **388**

Other relevant info:

Slip Rates - Q4/11 through 10/11

Slip Length	Open or Closed	Seasonal or FY	Slip Rate	per foot of length	over or (under) FYM current rates \$	over or (under) FYM proposed rates \$
36	O		\$5,554.29	\$154.28	\$66.77 76.5%	\$62.29 67.7%
36	O	F				
36	O	F				
36	O	F				
48	O	F				
60	O	F				
20	O		\$2,734.29	\$136.71	\$78.84 136.2%	\$68.71 101.1%
30	C	F				
24	O	F				
28	O		\$3,754.29	\$144.40	\$60.19 71.5%	\$62.40 87.0%
28	O		\$4,414.29	\$157.65	\$70.49 80.9%	\$65.65 71.8%
32	O	F				
36	C	F				
40	O		\$5,715.00	\$142.86	\$68.38 68.1%	\$60.88 55.5%
42	O	F				
48	O	F				
48	O	F				
48	C	F				
42	C	F				
54	C	F				
30	C	F				
42	O	F				
28	O	S				
28	C	S				
48	O	F				
60	O	F				
48	O	F				

ACTION TAKEN TO COMPARABLE MATES

\$3,940 seasonal rate divided by 7 month season x 12 to equalize

\$7,595 seasonal rate divided by 7 month season x 12 to equalize

\$2,190 seasonal rate divided by 7 month season x 12 to equalize

\$2,975 seasonal rate divided by 7 month season x 12 to equalize

\$3,175 seasonal rate equalized and also equalized 49' vs. 42' length

Over
 Load
 M
 36

00	0		\$6,127.14	\$123.94	\$28.94	30.5%	\$23.94	23.9%
60	D	F						
78	D	F						
30	C	F						
20	C	F						
36	C	F						
24	C	F						
24	C	F						
72	C	F						
90	C	F						
E79	0	S		\$ -	\$ -	\$ -	\$ -	\$ -

\$3,515 seasonal rate divided by 7 month season x 12 to equalize

Marina Name: **Jamestown Marina**
 City, State: **Jamestown, Kentucky**
 Telephone: **800-830-5131**
 Website: **www.jamestown-marina.com**
 Slips (per mapquest): **211.0**

Boating (type, size if yes): **Yes, Lodge and cabins rentals**
 Restaurant (type if yes): **Yes, Café**
 Service Dept: **Yes**
 Boat Rental (info if yes): **Yes, 30 Houseboats and pontoons**
 Covered wet slips: **259**
 Open wet slips: **361**
 Rack/dry: **Yes** (would not share quantity, just that these do exist)
 PWC Mooring: **-**
 Total mooring: **620**

Other relevant info: **property could not tell us their 2011 rates... "have not decided yet"**

The Jamestown rates are for 2010.

Slip Rates - 01/10 through 12/10

Slip Length	Open or Covered	Seasonal or FYI	Slip Rate	per foot of length	over or (under) FRM current rates		over or (under) FRM proposed rates		
					\$	%	\$	%	
35	O	F							
36	O	F							
36	O	F							
36	O	F							
46	O	F							
50	O	F							
20	O	S	\$1,295.00	\$64.75	\$6.57	11.9%	(\$3.25)	-4.8%	no action taken because billing is for same size and season
30	C	F							
24	O	F							
26	O	F							
28	O	F							
32	O	F							
36	C	F							
35	O	F	\$3,774.75	\$84.37	\$9.57	11.7%	\$2.37	2.6%	adj shorter slip to equalize to longer FRM slip
42	O	F							
46	O	F							
46	O	F							
48	C	F							
40	C	F	\$5,559.75	\$138.99	\$8.21	6.3%	\$0.09	0.7%	adj shorter slip to equalize to longer FRM slip
50	C	F	\$6,690.60	\$133.81	\$8.86	7.1%	\$1.61	1.4%	adj shorter slip to equalize to longer FRM slip
30	C	F							
42	O	F							
26	O	S							
28	C	S							
46	O	F							
50	O	F	\$4,495.00	\$89.90	\$4.40	5.1%	(\$2.10)	-2.3%	
46	O	F							
50	O	F							
60	O	F							
85	O	F	\$5,995.00	\$74.94	(\$21.32)	-22.1%	(\$25.06)	-25.1%	property claims these are undesirable slips
30	C	F	\$3,895.00	\$129.83	(\$0.94)	-0.7%	(\$8.17)	-5.9%	no action taken because billing is for same size and season
30	C	F	\$3,895.00	\$129.83	(\$0.94)	-0.7%	(\$8.17)	-5.9%	no action taken because billing is for same size and season
36	C	F							
24	C	F	\$2,695.00	\$112.29	(\$4.87)	-4.2%	(\$12.71)	-10.2%	no action taken because billing is for same size and season
24	C	F	\$2,695.00	\$112.29	(\$4.87)	-4.2%	(\$12.71)	-10.2%	no action taken because billing is for same size and season
70	C	F	\$9,663.43	\$138.05	\$7.27	5.6%	\$0.05	0.0%	adj shorter slip to equalize to longer FRM slip
90	C	F	\$13,342.50	\$148.25	\$17.47	13.4%	\$10.25	7.4%	FRM cov slips are approx 50% more than open, made same adj
EZP	O	S							(FRM SD slips also have private covered patio outside slip)

EXHIBIT B**Tim & Debbie Lansing**

I would like to request a hearing in reference to administrative clause #11-010P, concerning the increase in dock fees at Lake Monroe in Bloomington Indiana. I would like to better understand the justification for the increase, as well as comparable rates at other Indiana Lakes (Patoka, Brookville). In the last four years services have not increase, while hourly repair rates have increased generating additional income for the marina.

.....

Barrett Scholl

I am writing to you regarding the proposed rate increases being considered at Fourwinds Marina on Lake Monroe in Bloomington. I was shocked to hear this was being considered given the state of our economy and how gas prices continue to climb making boating a very expensive recreation activity. My new rate will take my dock fee over \$4100 (my boat is 24ft). I can understand these kinds of fees for large boats (30ft+) but it is too high for boats under 25ft in length. I have priced other annual doc fee's (see below) at other large lakes in Indiana (Geist and Morse). As you can see below, the fee for a 24ft covered slip is \$2350 at Morse and \$2400 at Geist. In addition, the competition for these slips (given that they pull from highly populated greater Indianapolis) is very high so low demand leading to higher slip prices is not an issue. I feel its unreasonable to increase rates which are already close to 2X of competing boat slips at popular lakes around the state. I ask that you please take this into consideration as your team decides what to do in 2012.

2011 Morse Marina Slip Lease Pricing**Dock Type****Dock Length****Price**

Half Double Well	20'	\$1175.00
Single Well	20'	\$1455.00
Single Well	24'	\$1545.00
Covered Single Well	20'	\$2270.00
Covered Single Well	24'	\$2350.00
Boat Lift 6000 lb Capacity	20'	\$2630.00
Boat Lift 6000 lb Capacity	24'	\$2705.00
Covered Boat Lift 6000 lb Capacity	20'	\$3400.00
Covered Boat Lift 6000 lb Capacity	24'	\$3505.00
PWC Lift (Sport Port)	NA	\$ 750.00
*Trailer Storage	NA	\$ 285.00

2011 Geist Marina Slip Lease Pricing

Half Double Well	\$1460.00
Single Well (up to 24ft)	\$1810.00/\$1885.00
Covered Single Well (up to 24ft)	\$2400.00
Boat Lifts	\$2950.00
Covered Boat Lifts	\$3550.00
PWC Lift (Sports Port)	\$ 750.00
Trailer Storage	\$ 250.00

.....

Sandy Jones

I received an email from the new manager, Paul Steele, of the Fourwinds Resort and Marina about the 3/15 meeting. It's regarding the process to request an increase in our dock fees. The last time the fees were increased was in 2008, shortly after the new docks were installed. While I understand costs going up, the economy hasn't improved and due to the economy and few improvements at the marina, boaters have left and went to Lake Monroe Marina or pulled out completely. This has left many slips vacant. One good thing they have done was to offer payment plans for our dock fees and we are all very much appreciative of that. However I would again like to provide a list of some things that we continue to ask for that have not been addressed that should:

1. Parking—a new lot is now being utilized for all the boaters on the P-docks but this still has not provided for more parking space for all the boaters on F, G, H, etc. The small lot to the southwest of the hotel continues to be full leaving us to have to park over in the hotel parking lot, on corners or in the grass. The lower lot is still full of abandoned boats.
2. Security—still no security; last year gas and water caps were stolen from several boats, some boats being out from under cover allowing water/rain to get into the gas tank. Those caps are not cheap to replace
3. Security Gate – the security reader on G-dock doesn't work half the time. It's broken or damaged in some way where it will not always read our access cards.
4. Breakwater Dock – that is completely gone. There is nothing across the front of the marina that breaks the waves from rolling into the dock area.
5. Patio Rental – While the patio added to our slips is an option we do not understand the charges for rental each year. We pay fees for a certain length of a slip and then pay a rental fee for the patio that utilizes 8' of our slip. Isn't that paying for a portion of the slip twice? They say the continuing rental charge from year to year goes towards maintaining the patios.....our patio hasn't had anything needed to be done to it since we got it 3 or 4 years ago.

With regards to the hotel – only half of it is open in the summer that results in lost revenue so we feel boaters are expected to make up for that with increased slip fees; personally I would not have anyone I know stay in this hotel, it needs to be torn down and replaced.

With that said, what has been done with all the slips fees during the past 2-3 years? No changes to our requests above, haven't seen or heard of any employees added (security), hotel has less staff since they only run half the hotel in the summer and it's closed in the winter. I can't imagine that the dollars taken in is all used for expenses. But that is information we never see. Maybe some of it was used for the new P-docks but I would have thought that would have been covered by insurance.

Maybe if the Fourwinds owner would consider lowering the dock fees to be competitive with Lake Monroe Marina he wouldn't have lost so many tenants that resulted in lost revenue. Or maybe boaters wouldn't have pulled out because they could no longer afford the fees.

I remember when there used to be a waiting list to get into Fourwinds Marina. I've never seen so many vacant slips. Now with another request to increase, more boaters are going to leave.

.....

Mike Eads

To whom:

"Administrative Cause Number 11-010P"

Fourwinds Marina

Request for slip rental increase

I have received the letter stating they are asking for an increase.

I have a real problem with them asking for it on the grounds of no increase for 4 years.

They have neglected to tell that in that time frame they have come up with other ways to create more revenue.

One was to start charging a overage amount if the boat stuck out past the dock. So much per foot.

Using their dock boxes and charging rent year after year.

Putting in electric meters and charging for power.

Building patio's at the slip and charging an enormous yearly fee. One year rent would pay for. Also makes boat stick out further to make more rent.

These are just a few things quickly off the top of my head.

I feel like in just these reasons they are making between 800 and 1200 more a year from me, but they are stating no increase.

They have a captive audience and almost a collusion if you want to boat at lake Monroe.

Thanks so much for your time and efforts that you put in to make us a nice place for recreation.

.....

T. Austin Bevis

I realize most everyone is aware that current slip rates charged by the marina exceeds any comparable rates and I assume their only justification for their request is due to the unjustified debt service and their creative accounting procedures. I would hope a more thorough investigation of their accounting and use of debt service would be taken into consideration in making your decision.

.....

Doug Johnson

How is the best way to provide input on the above related cause? I would request a public hearing prior to any approval of a rate increase.

The current Slip rates are among the highest in the nation, I don't see any reason to increase the fees given the current economic conditions. A fee increase approval will require us to look at alternative recreational lakes outside of Indiana.

.....

Jess Findley

First I would like to protest the rate increase that Fourwinds has proposed for April 2012. As a retired Veteran on a fixed income it is difficult to find additional money to pay the increase.

Their increase amounts to over 6%, which is much more of an increase than I receive annually.

Times are tough, Fourwinds hasn't improved their service, we still pay for pump out, electricity, and they do not provide any trash containers on the dock. There isn't any security and I am sure they do not intend to provide any. Basically all they provide is a place to park.

I just feel their request for a price increase comes at a very bad time. Many of us are finding it difficult just to keep up and this additional expense may be just the straw that puts us out of the boating business.

Secondly, Fourwinds has implemented a three month security deposit requirement for this current year, 2011. For me as a houseboat owner, this amounts to nearly 1200.00 dollars that is due April 1st. A security deposit for what? We have been at the Marina since 2005 and we have always been current on all of our bills. This is just a rate increase disguised as a security deposit. I don't think any marina in the state of Indiana requires a security deposit. I know we were at Patoka Lake for several years and neither Patoka Lake Marina nor Hoosier Hills requires any deposit. We currently have a slip at Grider Hill marina on Lake Cumberland and they do not require a deposit. Even at that, a three month deposit, nearly 1200 dollars?? Maybe one month but this amount is just too much.

Thank You
.....

Pat Pickett

As a Fourwinds Marina member I'm against any proposed rate increase for slip fees in these economic conditions for the 2012 and 2013 boating season. With the price of gas up this will create more hardship on current and future boaters. There are already several empty slips and more will be created by any increase in fees. It is my wish to see current fees maintained through the 2013 season to not generate any more empty slips and jeopardize future boaters.

.....

Synthia Trusty

We received correspondence about the proposed increase in dock fees at Monroe Reservoir at Fourwinds Marina. The fees for this last year were hard enough to meet, increased costs will be difficult to handle. With so many people losing their jobs and having to support themselves on one income, this will make it harder to stay at the marina.

I know this is a luxury item, but when times are tough, luxuries are the first thing to go. There should be a public hearing. Thanks so much.

.....

EXHIBIT C

March 15, 2011

To: Sandra Jensen
Administrative Law Judge
Natural Resources Commission

Fr: Gary Miller
Assistant Director
Indiana State Parks and Reservoirs

Re: Rate Petition for 2012 season – Fourwinds Resort and Marina

As per the revised Bulletin #20 Rate Making Process for Marinas, the Fourwinds Resort and Marina (FRM) has submitted proposed rates along with comparable rates of other marinas within the area.

The last increase granted FRM was for the boating year 2008. Since taking ownership in 2001 it should be noted that FRM has replace most of the dick within the marina complex, added additional parking, and addressed many of the other issues that were continual problems over the years. The marina is simply not the same marina as it was in 2001.

It should also be noted that for the 2011 season FRM instituted a “slip security deposit fee” equal to 3 months of slip rental. The DNR saw this as an increase without approval and notified FRM of such. As a result, RFM did away with the slip deposit fee.

Upon reviewing the comparable rates for Jamestown Marina and Kent’s Harbor Marina some items came to light.

It was stated in the petition that Jamestown Marina rates were for 2010 and that management stated there would be an increase in rates for the 2011 season, but had not yet determined what that increase would be. At the 2011 Indianapolis Boat, Sport and Travel Show, a printed 2011 slip rate card for Jamestown Marina was obtained. This showed that rates for 2011 are the same as they were for 2010, and in fact show the same rate as the web site for Jamestown shows for 2009. This said, most of the rates on the spreadsheet provided by FRM were correct for slips that stated “no action taken...” The other slips have some adjustments for length or season. On the ones that show “no action taken...” the rates show lower than FRM in the range from 4.8% lower than FRM to 25% lower than FRM. The 25% seems to be an anomaly and the range is generally in the range of 5 to 10% lower than FRM. The other slips shown were shorter slips adjusted to the next largest FRM slip. This usually was for about 2 feet in length. These slips rates show a rate of up 2.6% higher than FRM. The slip of 90 feet was discounted in this report since it was adjusted for more than one factor.

For the comparables for Kent's Harbor Marina (KHM) there seem to be some problems. All of the six slips shown show adjustments for changing seasonal rates to annual rates, where the rates for KHM clearly show that many of the slips are charged an annual contract. This may have been a misunderstanding on the part of FRM during their review process. There were also some slips that did not show on the spreadsheet that could have been included. The spreadsheet submitted by FRM was modified to include the correct figures. This was done by adding two columns showing the actual rate for KHM and FRM. This gives a much better correlation without the need to adjust for season or length. With these modifications, it no longer shows the 23-101% higher rates for KHM. In reality, the rates are higher and lower at KHM than FRM. These rates range from 72.5% of FRM rates to 132.2% of FRM rates.

The rate increase requested overall is 5.6% non-weighted with the range from 0% to 17.4%. In other words, it assumes that there is the same number of each slip size. This is not the case, but the actual number of each size was not available at the time of the review. This alone will require at least a written report and recommendation to the Natural Resources Commission, and if a sufficient number of slip holders respond to the petition, then there will be a requirement of a hearing.

Overall, it is felt that the FRM be granted a rate increase, but that some of the requested rates need to be lowered to a more reasonable level. This will take further time, and will be submitted within one week of this report.

Marina Name: **Fourwinds Resort & Marina**
 City, State: **Bloomington, Indiana**
 Telephone: **812.824.2628**
 Website: **www.fourwindsresort.com**

Distance (per mapquest):

Lodging (type, size if yes): **Yes, 123 room full service hotel**
 Restaurant (type if yes): **Yes, full service bar, restaurant, catering**
 Service Dept: **Yes, full service with certified techs**
 Boat Rental (info if yes): **Yes, 50 rental boats with floating store**

Cov wet slip: **513**

Open wet slip: **252**

Rack/dry: **-**

PWC Mooring: **83**

Total mooring: **848**

Other relevant info:

Slip Rates - 4/10 through 3/11

Dock	Slip Length	Open or Covered	Seasonal or P/Y	Current Slip Rate	per foot of length	2013-13 Proposed	
						\$	per ft
D	36	O	F	\$3,150.42	\$87.51	\$3,312.00	\$92.00
	36	O	F	\$3,357.90	\$93.28	\$3,420.00	\$95.00
	36	O	F	\$3,565.38	\$99.04	\$3,600.00	\$100.00
	36	O	F	\$3,778.32	\$104.95	\$3,960.00	\$110.00
	46	O	F	\$4,078.62	\$88.67	\$4,232.00	\$92.00
	50	O	F	\$4,275.18	\$85.50	\$4,600.00	\$92.00
E	20	O	S	\$1,157.52	\$57.88	\$1,360.00	\$68.00
	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00
F	24	O	F	\$2,020.20	\$84.18	\$2,208.00	\$92.00
	26	O	F	\$2,189.46	\$84.21	\$2,392.00	\$92.00
	28	O	F	\$2,440.62	\$87.17	\$2,576.00	\$92.00
	32	O	F	\$2,762.76	\$86.34	\$2,944.00	\$92.00
	38	C	F	\$4,707.99	\$130.78	\$4,968.00	\$138.00
G	42	O	F	\$3,549.00	\$84.50	\$3,864.00	\$92.00
	42	O	F	\$3,838.38	\$91.39	\$3,864.00	\$92.00
	46	O	F	\$3,794.70	\$82.49	\$4,232.00	\$92.00
	46	O	F	\$4,078.62	\$88.67	\$4,232.00	\$92.00
	46	C	F	\$6,277.32	\$130.78	\$6,624.00	\$138.00
H	42	C	F	\$5,492.76	\$130.78	\$5,796.00	\$138.00
	54	C	F	\$6,747.30	\$124.95	\$7,128.00	\$132.00
I	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00
	42	O	F	\$4,389.27	\$104.51	\$4,620.00	\$110.00
J	26	O	S	\$2,189.46	\$84.21	\$2,392.00	\$92.00
	26	C	S	\$2,189.46	\$84.21	\$2,392.00	\$92.00
K	46	O	F	\$4,078.62	\$88.67	\$4,232.00	\$92.00
	50	O	F	\$4,275.18	\$85.50	\$4,600.00	\$92.00
	46	O	F	\$4,373.46	\$95.08	\$4,600.00	\$100.00
	50	O	F	\$4,750.20	\$95.00	\$5,000.00	\$100.00
	60	O	F	\$5,700.24	\$95.00	\$6,000.00	\$100.00
	76	O	F	\$7,315.21	\$96.25	\$7,600.00	\$100.00
P1	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00
P2	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00
P3	36	C	F	\$4,707.99	\$130.78	\$4,968.00	\$138.00
P4	24	C	F	\$2,811.90	\$117.16	\$3,000.00	\$125.00
P5	24	C	F	\$2,811.90	\$117.16	\$3,000.00	\$125.00
Super Dock	72	C	F	\$9,415.98	\$130.78	\$9,936.00	\$138.00
	90	C	F	\$11,769.97	\$130.78	\$12,420.00	\$138.00
EZ-Ports		O	S	\$682.50	\$ -	\$ 725.00	

Marina Name: **Jamestown Marina**
 City, State: **Jamestown, Kentucky**
 Telephone: **800-830-5131**
 Website: **www.jamestown-marina.com**
 Distance (per mapquest): **211.0**
 Slipping (type, size if yes): **Yes, Lodge and cabins rentals**
 Restaurant (type if yes): **Yes, Café**
 Service Dept: **Yes**
 Boat Rental (info if yes): **Yes, 30 Houseboats and pontoons**
 Cover wet slips: **259**
 Open wet slips: **361**
 Rack/dry: **Yes** (would not share quantity, just that these do exist)
 PWC Mooring: **-**
 Total mooring: **620**
 Other relevant info: **property could not tell us their 2011 rates... "have not decided yet"**
The Jamestown rates are for 2010.

Slip Rates - 01/10 through 12/10

Slip Length	Open or Covered	Seasonal or FTY	Slip Rate	per foot of length	over or (under) FRM current rates		over or (under) FRM proposed rates		
					\$	%	\$	%	
36	O	F							
36	O	F							
36	O	F							
36	O	F							
46	O	F							
50	O	F							
20	O	S	\$1,295.00	\$64.75	\$6.87	11.9%	(\$3.25)	-4.8%	no action taken because billing is for same size and season
30	C	F							
24	O	F							
26	O	F							
28	O	F							
32	O	F							
36	C	F							
30	O	F	\$3,774.75	\$94.37	\$9.87	11.7%	\$2.37	2.6%	adj shorter slip to equalize to longer FRM slip
42	O	F							
46	O	F							
46	O	F							
48	C	F							
40	C	F	\$5,559.75	\$138.99	\$8.21	6.3%	\$0.99	0.7%	adj shorter slip to equalize to longer FRM slip
50	C	F	\$6,690.60	\$133.81	\$8.86	7.1%	\$1.81	1.4%	adj shorter slip to equalize to longer FRM slip
30	C	F							
42	O	F							
26	O	S							
26	C	S							
46	O	F							
50	O	F	\$4,495.00	\$89.90	\$4.40	5.1%	(\$2.10)	-2.3%	
46	O	F							
50	O	F							
60	O	F							
80	O	F	\$5,995.00	\$74.94	(\$21.32)	-22.1%	(\$25.08)	-25.1%	property claims these are undesirable slips
30	C	F	\$3,895.00	\$129.83	(\$0.94)	-0.7%	(\$8.17)	-5.9%	no action taken because billing is for same size and season
30	C	F	\$3,895.00	\$129.83	(\$0.94)	-0.7%	(\$8.17)	-5.9%	no action taken because billing is for same size and season
36	C	F							
24	C	F	\$2,695.00	\$112.29	(\$4.87)	-4.2%	(\$12.71)	-10.2%	no action taken because billing is for same size and season
24	C	F	\$2,695.00	\$112.29	(\$4.87)	-4.2%	(\$12.71)	-10.2%	no action taken because billing is for same size and season
70	C	F	\$9,663.43	\$138.06	\$7.27	5.8%	\$0.05	0.0%	adj shorter slip to equalize to longer FRM slip
90	O	F	\$13,342.50	\$148.25	\$17.47	13.4%	\$10.25	7.4%	FRM cov slips are approx 50% more than open, made same adj (FRM SD slips also have private covered patio outside slip)
EZP	O	S							

Marina Name: **Kent's Harbor Marina**
 City, State: **Liberty, Indiana**
 Telephone: **765-458-7431**
 Website: **www.kentsharbor.com**
 Distance (per request): **121.0**
 Lodging (per, see if yes): **Yes, 18 Condos**
 Restaurant (per, see if yes): **Yes, Café**
 Service Dept: **Yes**
 Boat Rental (per, see if yes): **Yes, 10 pontoon**
 Car rent (per): **11**
 Open wet slips: **357**
 Rack/Dr: **-**
 PWC Mooring: **20**
 Total mooring: **388**

Other relevant info:

Slip Rates - 04/11 through 10/11

Slip Length	Open or Closed	Seasonal or P/Y	FRW Substantial Slip Rate	KRM Actual	KRM FRM	per foot of length	over or under FRM current rates	over or under FRM proposed rates	
36	O	F	\$5,554.29	\$2,865.00	\$3,778.00	\$154.29	\$68.77	\$62.28	131.5%
36	O	F							
36	O	F							
38	O	F							
40	O	F							
40	O	F							
20	O	F	\$2,734.29	\$1,595.00	\$1,137.00	\$135.71	\$78.84	\$65.71	101.1%
30	C	F							
24	O	F	26' O f	\$2,190.00	\$2,189.00				
26	O	F	\$3,794.29			\$144.40	\$90.18	\$82.40	87.0%
28	O	F	\$4,414.29			\$167.65	\$104.9	\$95.65	91.4%
32	O	F							
36	C	F							
40	O	F	\$5,715.00			\$142.88	\$85.38	\$80.88	95.3%
42	O	F	36' O f	\$2,865.00	\$3,788.00				
46	O	F	36' O f	\$3,400.00	\$3,788.00				
48	O	F		\$4,280.00	\$4,078.00				
48	C	F							
42	C	F							
54	C	F							
30	C	F							
42	O	F							
26	O	S							
28	C	S							
40	O	F							
48	O	F							

ACTIONS TAKEN TO COMPARE RATES

\$2,240 seasonal rate divided by 7 month season x 12 to equalize

\$1,595 seasonal rate divided by 7 month season x 12 to equalize

\$2,180 seasonal rate divided by 7 month season x 12 to equalize

\$2,875 seasonal rate divided by 7 month season x 12 to equalize

\$3,715 seasonal rate equalized and also equalized 40' vs. 42' length

Due
 Load
 No.
 Re.

50	O			\$6,197.14	\$3,615.00	\$4,275.00	\$123.94	\$201.94	30.5%	\$23.94	20.8%	118.2%
50	O	F										
76	O	F										
30	C	F										
30	C	F										
38	C	F										
24	C	F										
24	C	F										
72	C	F										
80	C	F										
22P	D	S					\$	-	\$	-	\$	-

\$3,615 seasonal rate divided by 7 month season x 12 to equalize

I did put in recommended final rates. Some of the existing rates, I actually lowered to help the same size, different rate problem. Do not know if we can lower an already approved rate. Some slips I actually went higher than their request for the same reason, and again do not know if we can do that. As you see, all my rates end in \$X00.00 so all slips are at even \$100.00 increments.

Their overall rate request averaged out to be 5.64%. This is not weighted, only figured on one slip per size as the sheet shows. The only way to get an absolute average would be to know how many of each size they have. My suggestion works out to be 3.92% increase.

Marina Name: **Fourwinds Resort & Marina**
City, State: **Bloomington, Indiana**
Telephone: **812.824.2628**
Website: **www.fourwindsresort.com**
ance (per mapquest): **-**

ing (type, size if yes): **Yes, 123 room full service hotel**
staurant (type if yes): **Yes, full service bar, restaurant, catering**
Service Dept: **Yes, full service with certified techs**
at Rental (info if yes): **Yes, 50 rental boats with floating store**

Cov wet slips: **513**
Open wet slips: **252**
Rack/dry: **-**
PWC Mooring: **83**
Total mooring: **848**

Slip Rates - 4/10 through 3/11

Dock	Slip Length	Open or Covered	Seasonal or F/Y	Current Slip Rate	2012-2013 proposed	Current Kent's Marina	Current Jamestown Marina	suggested approval	% Suggested
E	20	O	S	\$1,157.52	\$1,360.00	\$1,595.00		\$1,300.00	112.31%
F	24	O	F	\$2,020.20	\$2,208.00	\$2,230.00		\$2,200.00	108.90%
P4	24	C	F	\$2,811.90	\$3,000.00		\$2,695.00	\$2,900.00	103.13%
P5	24	C	F	\$2,811.90	\$3,000.00		\$2,695.00	\$2,900.00	103.13%
F	26	O	F	\$2,189.46	\$2,392.00	\$2,190.00		\$2,300.00	105.05%
J	28	O	S	\$2,189.46	\$2,392.00			\$2,000.00	91.35%
J	28	C	S	\$2,189.46	\$2,392.00			\$2,700.00	123.32%
F	28	O	F	\$2,440.62	\$2,576.00	\$2,575.00		\$2,600.00	106.53%
E	30	C	F	\$3,923.33	\$4,140.00		\$3,895.00	\$4,100.00	104.50%
I	30	C	F	\$3,923.33	\$4,140.00		\$3,895.00	\$4,100.00	104.50%
P1	30	C	F	\$3,923.33	\$4,140.00		\$3,895.00	\$4,100.00	104.50%
P2	30	C	F	\$3,923.33	\$4,140.00		\$3,895.00	\$4,100.00	104.50%
F	32	O	F	\$2,762.76	\$2,944.00			\$2,900.00	104.97%
D	36	O	F	\$3,150.42	\$3,312.00	2865 & 3240		\$3,600.00	114.27%
D	36	O	F	\$3,357.90	\$3,420.00	2865 & 3240		\$3,600.00	107.21%
D	36	O	F	\$3,565.38	\$3,600.00	2865 & 3240		\$3,600.00	100.97%
D	36	O	F	\$3,778.32	\$3,960.00	2865 & 3240		\$3,600.00	95.28%
F	36	C	F	\$4,707.99	\$4,968.00			\$4,900.00	104.08%
P3	36	C	F	\$4,707.99	\$4,968.00			\$4,900.00	104.08%
G	42	O	F	\$3,549.00	\$3,864.00			\$3,900.00	109.89%
G	42	O	F	\$3,838.38	\$3,864.00			\$3,900.00	101.61%
I	42	O	F	\$4,389.27	\$4,620.00			\$3,900.00	88.85%
H	42	C	F	\$5,492.76	\$5,796.00			\$5,800.00	105.59%
G	46	O	F	\$3,794.70	\$4,232.00	\$4,280.00		\$4,200.00	110.68%
G	46	O	F	\$4,078.62	\$4,232.00	\$4,280.00		\$4,200.00	102.98%
D	46	O	F	\$4,078.62	\$4,232.00	\$4,280.00		\$4,200.00	102.98%
K	46	O	F	\$4,078.62	\$4,232.00	\$4,280.00		\$4,200.00	102.98%
K	46	O	F	\$4,373.46	\$4,600.00	\$4,280.00		\$4,200.00	96.03%
G	48	C	F	\$6,277.32	\$6,624.00			\$6,600.00	105.14%
K	50	O	F	\$4,275.18	\$4,600.00	\$3,615.00	\$4,495.00	\$4,600.00	107.60%
K	50	O	F	\$4,750.20	\$5,000.00	\$3,615.00	\$4,495.00	\$4,600.00	96.84%
D	50	O	F	\$4,275.18	\$4,600.00		\$4,495.00	\$4,600.00	107.60%
H	54	C	F	\$6,747.30	\$7,128.00			\$7,000.00	103.75%
K	60	O	F	\$5,700.24	\$6,000.00	\$4,370.00		\$5,700.00	100.00%
Super Dock	72	C	F	\$9,415.98	\$9,936.00			\$9,900.00	105.14%
K	76	O	F	\$7,315.21	\$7,600.00	\$7,327.00		\$7,600.00	103.89%
	90	C	F	\$11,769.97	\$12,420.00			\$12,400.00	105.35%
EZ-Ports		O	S	\$682.50	\$ 725.00			\$ 725.00	106.23%
				\$158,417.11	\$167,357.00			\$164,625.00	103.92%

EXHIBIT D

Jensen, Sandra

From: Jeff Hammond [jhammond@teindustries.net]
Sent: Monday, March 21, 2011 9:55 PM
To: Jensen, Sandra
Cc: 'Paul Steele'
Subject: RE: Fourwinds Petition for Rate Increase -- Follow Up Inquiries

Sandra,

Thanks for the update on the petition review process. We've talked some in the past about the rate disparity between various slips of the same length, but it's been awhile, so please do not apologize!

In regard to your questions, please let me know if this will properly answer them for your needs, or if I can provide any additional information to help the process along.

1. There are four different widths on the 36' open annual slips, though I can't begin to explain why they were built that way so long ago. Instead of lumping them all together based on length (which seems the most logical way to price slips), we opted to leave a disparity between them because there was already so much of a price differential. Basically, if we were to have adjusted them all to even 1% over the highest price, some boaters would have seen a double digit increase and we felt that was inappropriate on these slips.
2. The 42' slips on G-Dock are the older style construction with 3' fingers, 5' center walkways etc. The 42' slips on I-Dock are only a few years old and have 4' fingers, 8' center walkways, etc. We did not feel that the slips on G-Dock were comparable to the newer and better ones on I-Dock.
3. There are a number of 46' slips throughout the harbor. They are all priced the same, with the exception of 6 slips on K-Dock that are near the beach, gazebo and restaurant. The K-Dock slips were always priced significantly higher and we did not think we should bring all the others into line with the handful on K-Dock at this time. As with the others, this was a factor of our recognizing that we should not attempt to post increases that are too high on certain slips.
4. We have 15 slips that are 50' in length and at the requested rate of \$4,600. There is one slip at the requested rate of \$5,000. As with the slips above, this was a factor of our not wanting to post a huge increase on 15 slips to bring them into line with one that had an odd price.
5. Actually, all the 26' slips are sold on an annual basis even though there are a few on J-Dock that are still listed as seasonal. They should be listed as annual and not seasonal.
6. The slip width varies greatly throughout the harbor based on slip length, older vs. newer construction and apparently some other factors from years ago prior to my arrival in 2008. It seems that at one point, the objective by the property's ownership was to build shorter slips, but wider so as to accommodate a much longer boat than should really be in the slip (the width of a boat is generally proportionate to its length...longer = wider for the most part). We have built everything since 1998 to be proportionate so that the width is based on the length of slip. It helps keep boats on a dock to a particular length, which in turn helps with navigation between docks. As you might imagine, it was VERY hard at times to get around a 60' boat in a 42' slip when the docks were spaced apart based on expected 42' boats.
7. The 90' SuperDock slips (there are three) were built in 2008 and were priced at the same per foot rate as the 72' SuperDock slips alongside them. We discussed it with Gary at the time and stuck with the model of pricing it the same (per foot of length) as the slightly smaller SuperDock slips. It may still be listed as an interim, in which case we simply want to confirm this new rate.

The P1-P5 slips are not interims. P5 was actually part of A-Dock before the latest wave of building, so those slips have been through several rate processes since their construction. P1 and P2 are 30' slips of the new construction style, which are the same as the 30' slips on E-Dock. P3 consists of 36' slips of the new construction style, which are the same as the 36' slips on F-Dock. P4 consists of 24' slips of the new construction style that are identical to those on P5. Because a rate was already approved for these particular slips, we used it without asking for an interim. Gary has agreed in the past that this was the proper course of action if there was a rate already approved for a particular length slip we were building.

Basically, there are lots of factors that are considered on our end when requesting rates. Those factors, and I suspect many others, are also considered by other marinas when setting their own rates. The fact that there are so many considerations that are not directly tied to specific measurements has always been the great challenge in determining comparables (proximity to amenities is a plus, near rowdy neighbors is a minus, walkway widths, proximity to parking, water pressure and a host of others).

I hope this information is helpful and please do not hesitate to ask if there is anything I can clarify or if any additional questions arise.

Thanks,
Jeff

From: Jensen, Sandra [mailto:SJensen@nrc.IN.gov]
Sent: Thursday, March 17, 2011 12:57 PM
To: jhammond@teelindustries.net; Paul Steele
Subject: Fourwinds Petition for Rate Increase -- Follow Up Inquiries

Good afternoon to both of you.

I've started my review of FRM's petition and comps and have a few follow-up inquiries. (Jeff it's possible that we've covered some of this in years past and I don't remember so please bear with me).

1. Why are some 36' open annual rates \$3,600.00 and some are \$3,960.00?
2. Why are some 42' open annual rates \$3,864.00 and some are \$ 4,620.00?
3. Why are some 46' open annual rates \$4,232.00 and some are \$4,600.00?
4. Why are some 50' open annual rates \$4,600.00 and some are \$5,000.00?
5. Why are some of the 26' open seasonal fees the same as the annual fee?
6. How wide are FRM's slips?
7. Are the rates for the 90' Superdock slips and slips designated as P1 through P5 interim rates? (I don't see them on the list from the last rate setting in 2008.)

I may have more as I move forward but for now this is what I've come up with.
 Thank you both very much for your cooperation.

Sandra L. Jensen
Administrative Law Judge
Natural Resources Commission

EXHIBIT E

Fourwinds Resort & Marina Slip Rates - 3/08 through 3/11

Dock	Slip Length	Open or Covered	Seasonal or F/Y	Current Slip Rate	per foot of length	2012-13 Proposed		Hearing Officer Recommended
						\$	per ft	
D	36	O	F	\$3,150.42	\$87.51	\$3,312.00	\$92.00	\$3,213.00
	36	O	F	\$3,357.90	\$93.28	\$3,420.00	\$95.00	\$3,420.00
	36	O	F	\$3,565.38	\$99.04	\$3,600.00	\$100.00	\$3,600.00
	36	O	F	\$3,778.32	\$104.95	\$3,960.00	\$110.00	\$3,854.00
	46	O	F	\$4,078.62	\$88.67	\$4,232.00	\$92.00	\$4,232.00
	50	O	F	\$4,275.18	\$85.50	\$4,600.00	\$92.00	\$4,447.00
E	20	O	S	\$1,157.52	\$57.88	\$1,360.00	\$88.00	\$1,360.00
	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00	\$4,002.00
F	24	O	F	\$2,020.20	\$84.18	\$2,208.00	\$92.00	\$2,208.00
	26	O	F	\$2,189.46	\$84.21	\$2,392.00	\$92.00	\$2,277.00
	28	O	F	\$2,440.62	\$87.17	\$2,576.00	\$92.00	\$2,576.00
	32	O	F	\$2,762.76	\$86.34	\$2,944.00	\$92.00	\$2,873.00
	36	C	F	\$4,707.99	\$130.78	\$4,968.00	\$138.00	\$4,896.00
G	42	O	F	\$3,549.00	\$84.50	\$3,864.00	\$92.00	\$3,839.00
	42	O	F	\$3,838.38	\$91.39	\$3,864.00	\$92.00	\$3,839.00
12 narrower	46	O	F	\$3,794.70	\$82.49	\$4,232.00	\$92.00	\$3,946.00
	46	O	F	\$4,078.62	\$88.67	\$4,232.00	\$92.00	\$4,232.00
	48	C	F	\$6,277.32	\$130.78	\$6,624.00	\$138.00	\$6,528.00
H	42	C	F	\$5,492.76	\$130.78	\$5,796.00	\$138.00	\$5,712.00
	54	C	F	\$6,747.30	\$124.95	\$7,128.00	\$132.00	\$7,017.00
I	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00	\$4,002.00
	42	O	F	\$4,389.27	\$104.51	\$4,620.00	\$110.00	\$4,565.00
J	26	O	F	\$2,189.46	\$84.21	\$2,392.00	\$92.00	\$2,277.00
	26	C	F	\$2,189.46	\$84.21	\$2,392.00	\$92.00	\$2,392.00
K	46	O	F	\$4,078.62	\$88.67	\$4,232.00	\$92.00	\$4,232.00
	50	O	F	\$4,275.18	\$85.50	\$4,600.00	\$92.00	\$4,447.00
6 slips near gazebo, beach, rest	46	O	F	\$4,373.46	\$95.08	\$4,600.00	\$100.00	\$4,461.00
	50	O	F	\$4,750.20	\$95.00	\$5,000.00	\$100.00	\$4,751.00
	60	O	F	\$5,700.24	\$95.00	\$6,000.00	\$100.00	\$5,814.00
	76	O	F	\$7,315.21	\$96.25	\$7,600.00	\$100.00	\$7,608.00
P1	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00	\$4,002.00
P2	30	C	F	\$3,923.33	\$130.78	\$4,140.00	\$138.00	\$4,002.00
P3	36	C	F	\$4,707.99	\$130.78	\$4,968.00	\$138.00	\$4,896.00
P4	24	C	F	\$2,811.90	\$117.16	\$3,000.00	\$125.00	\$2,868.00
P5	24	C	F	\$2,811.90	\$117.16	\$3,000.00	\$125.00	\$2,868.00
Super Dock	72	C	F	\$9,415.98	\$130.78	\$9,936.00	\$138.00	\$9,793.00
	90	C	F	\$11,769.97	\$130.78	\$12,420.00	\$138.00	\$12,241.00
EZ-Ports		O	S	\$ 682.50	\$ -	\$ 725.00	\$ -	\$725.00